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March 11, 2022

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

RE: *SingularDTV GmbH v. Doe*, No. 1:21-cv-06000 (VEC); *SingularDTV GmbH v. LeBeau, et al.*, No. 1:21-cv-10130 (VEC)

Dear Judge Caproni:

We represent Plaintiff SingularDTV GmbH (“SingularDTV”) in *SingularDTV GmbH v. LeBeau, et al.*, No. 1:21-cv-10130 (VEC) (the “*LeBeau* Action”) and have filed a motion to intervene on behalf of the Company in *SingularDTV GmbH v. Doe*, No. 1:21-cv-06000 (VEC) (the “*Doe* Action”). Pursuant to the Court’s order dated February 25 (Dkt. No. 77), we write to inform the Court of the areas on which the parties agree regarding the scheduling of discovery and related proceedings in the above-captioned matters.¹

Based on meet-and-confer discussions, the parties understand that Defendants Zachary LeBeau and Kimberly Jackson are considering filing motions to dismiss claims in SingularDTV’s Amended Complaint (*LeBeau* Action, Dkt. No. 78) and/or counterclaims in the *LeBeau* Action. The parties agree that merits discovery in the *LeBeau* Action should not be scheduled until the scope of the parties’ respective claims is clarified through the resolution of any motion(s) to dismiss and/or the filing of any counterclaim(s).

The parties jointly propose the following schedule for the briefing of motions to dismiss, the filing of counterclaims, and the deadlines for discovery to follow.

¹ The parties have not reached agreement on other issues, including: (1) in the *LeBeau* Action, the scheduling of the discovery requested in SingularDTV’s Motion for Expedited Discovery (*LeBeau* Action, Dkt. Nos. 75–76) into potential violations of the Consent Order entered on January 25, 2022 (Dkt. No. 66), and (2) in the *Doe* Action, whether the matter should be stayed pending the outcome of proceedings underway in Switzerland. For the same reasons as those set forth in the letter filed today by Morrison-Tenenbaum PLLC (*Doe* Action, Dkt. No. 66), counsel for Defendants in the *LeBeau* Action believe that the Court has already decided not to issue a stay in the *Doe* Action and has instead ordered expedited discovery on Kobre & Kim LLP’s Motion to Intervene. For reasons set forth in a letter to be filed concurrently with this joint letter, Kobre & Kim LLP believes that a stay of the *Doe* Action is preferable to conducting additional discovery to resolve its Motion to Intervene.

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A. Motions to Dismiss Directed to Amended Complaint

Defendants in the *LeBeau* Action shall file any motion(s) to dismiss claims in SingularDTV's Amended Complaint no later than **April 15, 2022**. SingularDTV shall file its opposition to any such motion(s) no later than **May 6, 2022**. Defendants shall file their reply papers in support of any such motion(s) no later than **May 13, 2022**.

B. Answers and Counterclaims

Defendants in the *LeBeau* Action shall file their answer(s) to the Amended Complaint and any counterclaim(s) no later than **seven days after the final disposition of a motion to dismiss directed to the Amended Complaint**. If Defendants do not move to dismiss the Amended Complaint, they shall file their answer(s) to the Amended Complaint, together with any counterclaim(s), no later than **April 15, 2022**.

C. Motion to Dismiss Directed to Counterclaims

SingularDTV shall file any motion to dismiss the counterclaim(s) filed by Defendants in the *LeBeau* Action, if any, no later than **21 days after the filing of the counterclaim(s) to which the motion to dismiss is directed**. Defendants shall file their opposition(s) to any such motion no later than **14 days after the motion is filed**. SingularDTV shall file its reply papers in support of any such motion no later than **21 days after the motion is filed**.

D. Discovery

The parties shall exchange initial disclosures under Federal Rule of Civil Procedure 26(a)(1) no later than **14 days after all parties have filed answers (to the extent that they are required to do so)** in the *LeBeau* Action.

After the exchange of initial disclosures in the *LeBeau* Action: (i) the parties shall complete fact discovery **within 90 days**, and (ii) the parties shall complete expert discovery (including exchanging reports, producing underlying materials, and taking depositions) **within 135 days**.

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Respectfully submitted,

/s/ Benjamin J. A. Sauter

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² Filed jointly on behalf of, and with the consent of, counsel for Defendants Zachary LeBeau and Kimberly Jackson in Case No. 1:21-cv-10130.